

COURT APPOINTED SPECIAL ADVOCATE/CHILDREN'S JUSTICE ACT PROGRAMS ADVISORY COMMITTEE

MEETING MINUTES

October 25, 2002

Approved January 24, 2003

A meeting of the Advisory Committee to the Court Appointed Special Advocate and Children's Justice Act programs was held on Friday, October 25, 2002 at the Department of Criminal Justice Services office in Richmond.

Members present: Sharon S. England, Mary Evans, Mike Hall, Kent Hymel, Fred Orelove, Ruth Stone, and Eric Olsen

Absent Members: Sgt. Patrick Kelleher, Alice Koenig, Mindy Loiselle, and Patricia Romano.

Guests: B.J. Zarris, Virginia Department of Social Services, Citizen Review Panel

Staff: Fran Ecker, Holly Oehrlein, Melissa O'Neill, and Denise Marks.

The following agenda items were discussed:

- Citizen Review Panel
- GAL Study Update
- CASA Program Update
- CJA Program Update
- Budget Status

Dr. Fred Orelove opened the meeting and asked if anyone had changes to the minutes from the July 10th meeting. No changes were noted. Kent Hymel moved that the minutes be approved and Ruth Stone seconded the motion. Hearing no objections, the minutes were approved.

Fran Ecker made a comment regarding the minutes being posted on our web site. She advised that a new law was passed on July 1st relating to the Freedom of Information Act that requires the posting of meeting minutes. We will post these minutes on the DCJS web site under the Juvenile Services Section. The first draft will be posted within three days of the meeting and will merely state who attended and the agenda. The final "draft" will be posted within 30 days of the meeting.

The agenda for this meeting was modified slightly due to speaker's schedules. Item II (Citizen Review Panel) was discussed later in the day. Item IV (ASFA Guidelines for Adoption) was not discussed. The GAL Study Update was also postponed until later in the meeting.

CASA Program Update:

Melissa O'Neill updated the group on the COMET project (database program). Bob Holet has designed a DCJS statistical report which has been distributed to all the local programs. Mr. Holet has also provided on site training for several localities. The Southwest portion of the state received a full day of training in October.

Melissa O'Neill also reported that she attended the J&DR Judges Conference and set up a CASA table. She enlisted the support of several CASA program directors who came to assist with the table and was able to meet and talk with several Judges. This conference is held annually every summer. Ms. O'Neill spoke briefly about how well the conference went and some of the conversations that she had with various Judges. Ms. O'Neill also attended the National CASA State Directors and New Grantees meetings in September.

The Virginia CASA Association Board of Directors has decided to dissolve the organization by January 2003. Ms. Ecker explained how the decision was made to dissolve the VCASAA. The impact on DCJS's functions will probably be minimal. The majority of what the Virginia CASA Association activities related to legislative initiatives and a desire to do some fund raising (public relations). While DCJS may provide information to legislators information (prepare statistics, maps, statewide information), DCJS cannot lobby. Thus, local CASA programs will have to assume some of the legislative and fundraising efforts. DCJS is looking at ways of trying to absorb some of the other needs for the programs, possibly developing a guideline for fund raising within the programs and providing support to them. In a recent DCJS survey, local programs identified legislative activity as a "need." While public relations and networking were nice, they were not identified as needs.

Ms. Ecker noted that one of the last things the VCASAA did was obtain approval for a CASA license plate. The license plate could be a source of revenue for the programs. With the dissolution of VCASAA, DCJS may choose to be responsible for collecting the revenue raised through the plate and otherwise administering the project. There is a significant amount of administrative work that still needs to be done (plate design, maintenance of program, etc.).

Ms. O'Neill reported that there has been an overwhelming response to the Statewide CASA conference that will be held November 8th and 9th in Virginia Beach. As of this meeting, 297 registrations have been received. There have never been more than 220 people (including the speakers). Ms. O'Neill commented that she thought the overwhelming response may be due to the fact that more localities have less money for training and are choosing to attend training within the state rather than spending money for out-of-state travel.

Budget Status

Ms. Ecker reported on the status of the state appropriation for local CASA programs. There will be a \$134,000+ (13.8%) reduction for the remainder of fiscal year 2003 (January – June 2003). This is reflected on the Governor's web site. There might be a solution to the CASA budget shortfall at DCJS level by applying for a Byrne Grant. Virginia gets about \$11 million per year through the Department of Justice for various Byrne Grants. This money primarily goes to law

enforcement, but some of it is allocated for family violence programs (domestic violence & child abuse programs), which CASA would qualify for. Even if Byrne funds are obtained, it is anticipated that most of the programs will see a reduction of one to two thousand dollars. There is a 4 year eligibility period for Byrne money during which time match money would be required at 25%-25%-50%-75% each year.

Ruth Stone suggested that we require programs to submit a written fund development plan to show what they will be doing to raise funds. Dr. Orelove suggested a statewide board training to help local programs develop fund development plans. Kent Hymel suggested that the Advisory Committee provide suggestions or guidelines and then receive progress reports from each program. Ms. Ecker noted that there are already guidance policies in place. DCJS staff will work on sending the policies to directors and board chairs and encouraging them to develop local language.

GAL Study Update:

Sharon England gave an update on the GAL study which has been approved by the Virginia Bar Association Justice Committee. The study which was presented to this committee in draft form at the last meeting has now been approved. Ms. England also reported that the General Assembly committee is considering the capping of fees for guardians ad litem. The Virginia Supreme Court has been advised that \$2 to \$3 million used for GAL payments was eliminated from the budget. The Virginia Supreme Court plans to make up those monies by charging parents for GAL fees. The courts will make the determination on a case per case basis as to how much of the GAL's fee will be paid and who will pay it (parent, court, etc). This applies to both Circuit and J&DR cases.

Ms. O'Neill noted that money for GALs comes from the Crime Fund. She then questioned whether there is a set amount for abuse and neglect versus custody. Ms. England stated that the memo from the Supreme Court makes no such distinction. The memo does state that the decision on whether to appoint or not based can NOT be based on ability to pay.

Ms. England advised that there is also controversy over whether it is appropriate to appoint a GAL in delinquency cases. The Attorney General has said that it is not although there is case law indicating that it may be appropriate. The Supreme Court then issued a memo stating that payment would not be approved in delinquency cases. Yet, judges are continuing to appoint GAL's in those cases.

Ms. England and Ms. Ecker both testified before legislators at the General Assembly on the issue of GALs.

CJA Program Update:

Holly Oehrlein reported that the Improving Investigation and Prosecution of Child Abuse conference will take place on October 28th and 29th in Charlottesville, Virginia. There are approximately 190 people registered for this conference.

Ms. Oehrlein also spoke about the Missing & Abducted Children's conference that was held in Charlottesville on October 1st. Another conference on Missing and Abducted Children is beginning to be planned for sometime in the Spring of 2003, possibly in the Martinsville area.

DCJS will be sponsoring John Reid & Associates, Inc.'s "Child Abuse Seminar" November 12 – 14 in Virginia Beach. Mike Hall commented that some of his staff have attended this conference in the past and he received great reviews about it. DCJS encourages people to apply as Law Enforcement/Child Protective Services TEAMS. Preference is given to people that sign up as "teams." Some free spaces were given to the DSS Child Abuse and Neglect Advocacy Grants (Franklin County, Bristol/Washington County, Mathews, Frederick County & Lenowisco (Lee, Norton, Wise and Scott Counties)).

In response to recent changes to the Closed Circuit TV law, the Closed Circuit TV Brochure was updated and distributed in June. This brochure talks about how closed circuit TV is available in courtrooms for certain cases kidnappings, certain family offenses, sexual assaults, child witness in murders). DCJS is working on updating the CCTV protocol.

We submitted a grant to the Bureau of Justice Assistance in June in collaboration with the American Bar Association. Due to reorganization of offices at the federal level within the Bureau of Justice Assistance, we are in a holding mode. Ms. Ecker reported that the grant is on the desk of Director of Bureau of Justice Assistance. It seems that BJA is contending that the grantee needs to provide match money. Thus, we are in the hold mode at this time.

Ms. Oehrlein reported that she received a phone call from Michigan requesting assistance on developing a Closed Circuit program in their area. Virginia is assisting Michigan via conference calls.

Three Team Tune-Up trainings for Multi-Disciplinary Teams (MDT) have taken place: Williamsburg, Fredericksburg and Charlottesville. There have also been a few requests for on-site trainings. Helen Connelly (consultant) helps with these on-site trainings. DCJS has provided on-site technical assistance in Winchester and plans to go to Radford, Lynchburg and Culpeper in the near future.

The Child Sexual Abuse Case Consultation Project is led by four instructors that are mental health professionals with a great deal of experience treating child sexual abuse victims.. This project consists of 40 hours in small group and three didactic (very intensive) training days. The year-long project ended in August and certificates of completion went out last week to 33 out of 36 people. In preparation for the next project an instructor needs to be identified in the Western region. If other instructors are not able to continue, they will need to be replaced as well. Applications for the next training will tentatively go out in March which would give people 6 months to adjust their schedule to insure attendance. Ms. Oehrlein is attempting to create a directory of people that have successfully completed this training so it can be distributed to the Department of Social Services to use as a resource.

Ms. Ecker and Ms. Oehrlein have met with staff from Commonwealth Attorney's Services Council to ascertain how the Children's Justice Act can meet the needs of Commonwealth's

Attorneys related to child abuse. One of the areas discussed was a week long Child Advocacy Course for new prosecutors using a mock case. They currently use a homicide case. It was suggested that if they used a child abuse, DCJS might be able to assist with funding. Recently the Commonwealth's Attorney's Services Council training committee met and is leaning towards using a shaken baby case. Kent Hymel spoke about a recent case in Montgomery County that could be used as a model.

Ms. Oehrlein recognized Dr. Hymel for his article published in Child Maltreatment this month. The article is titled "Intracranial Hemorrhage and Rebleeding in Suspected Victims of Abusive Head Trauma: Addressing Forensic Controversies." The journal was passed around for members to review.

The Children's Justice Act Program has been working with staff at the Partnership for People with Disabilities in collaboration with the Department of Education and VISSTA to do five trainings on abused & neglected children with disabilities. Dr. Orelve noted that child abuse may be the single largest cause of disability. CJA funds will be used to publish the manuals for the training sessions. Ms. Oehrlein passed a copy of the manual around for Advisory Committee members to look at. The manuals are for sale and can be purchased from the Partnership for People with Disabilities. This book covers both diagnosis and reasons for the abuse. There are two training sessions scheduled between now and the end of the year. One training session is in Danville (Nov. 4-5) and the other is in Virginia Beach (Dec. 17-18).

The State Child Fatality Review Team has requested funding to publish their annual report. This expenditure has been approved. The State team does not review every child death in Virginia but rather does a very focused review on a particular topic. The team is currently reviewing all of 1998/1999 homicides and underdetermined deaths of children where the caretaker was the alleged perpetrator or involved in the care and supervision of the child at the time of death. Previous reviews have been on Unintentional Injury Deaths to Children Under Four; Firearms; and Suicide. The reports contain recommendations for systemic changes that might prevent future deaths. The reports can be found on the Department of Health website: www.vdh.state.va.us/medexam/fatality/htm.

Ms. Oehrlein then presented an update on Forensic Medical Work Group. The group last met in June. The work group is currently working on an educational program to assist medical professionals with recognizing and reporting child abuse. Educating Physicians In Communities on Suspected Child Abuse and Neglect (EPIC-SCAN) is a program that was developed in Pennsylvania. Ms. Oehrlein is recreating a Virginia specific version of this program based on the Pennsylvania program. Dr. Hymel offered to ask American Academy of Pediatrics if we can use the same slides from their materials that were used by Pennsylvania. The Forensic Medical Work Group has decided to change the name of Virginia's program to EPPIC-SCAN (Educating Pediatric Professionals In Communities on Suspected Child Abuse and Neglect).

The Doris W. Duke Foundation is interested in similar physician education programs and are funding a number of them across the country. They are piloting three different models. A modified form of EPIC-SCAN is one of these models. Six practices will pilot urban and rural models.

Ms. Oehrlein advised that the Investigation of Child Sexual Abuse Curriculum for law enforcement officers has been updated to Power Point format and has been reviewed by law enforcement trainers. She is currently working on revisions. It is fairly close to completion.

Ms. Oehrlein then discussed the manual “Child Abuse Virginia Statutes Case Law”. This manual was developed as a supplement to the American Prosecutors Research Institute manual on Investigation and Prosecution of Child Abuse. Bob Shepherd is now working on updating the manual. APRI references and CPS Code changes need to be made. The goal is to complete the manual and distribute it at the Commonwealth’s Attorney’s Spring Institute.

Citizen Review Panel:

Mr. Eric Olsen addressed the committee prior to Ms. Zarris. He stated that the Domestic Violence Subcommittee has been at a stand still. He continues to be concerned about children exposed to domestic violence. There are not many tools available to serve children who have not been actually physically abused, but are exposed to chronic domestic violence. Mr. Olsen felt there were legislative changes necessary to address the issue that would require significant changes for law enforcement and CPS. He also stated that it might be helpful for the Citizen Review Panel to move on to another topic area given the state of the budget.

Ms. Zarris handed out three items and went over them. The three items were: Collaborative Efforts Between Domestic Violence and Child Protective Services; Synergy: the Newsletter of the Resource Center on Domestic Violence: Child Protection and Custody published by The National Council of Juvenile and Family Court Judges; and a journal article from Child Maltreatment titled “The Co-occurrence of Child Maltreatment and Domestic Violence: Examining Both Neglect and Child Physical Abuse.” There really has not been as much research done on this issue as we would like to see. DSS will be doing some training in this area in the future either through VISSTA or through of collaborative effort with VADV. Because there are others working on the issue, the subcommittee feels it would be best for them to disband at this time.

Virginia Child Welfare DSS is looking very closely at “Structured Decision Making”. There are different models of Structured Decision-Making for child welfare. The model that Virginia DSS favors was developed by the Children’s Research Center in Wisconsin. This model has been replicated 15 times throughout the nation and has a good track record. Funding has been identified for child welfare use, but it has not been confirmed.

Ms. Zarris distributed a document on “The Value and Role of Citizen Review Panels in Child Welfare: Perceptions of Citizens Review Panel Members and Child Protection Workers.” This paper was written by Blake Jones et. al. at the University of Kentucky. Ms. Zarris proposed that she re-send the information that she brought to the committee about three years ago stating what the Citizen Review Panel is, what are their purposes and how they function so that the group can review it and decide where to go from here. Virginia currently has three Citizen Review Panels: The Governor’s Advisory Board on Child Abuse and Neglect (appointed by the governor), Child Fatality Review Team, and this group.

New Business

Dr. Orelove asked if there was any new business to come before the committee. There being none, he announced that the next meeting will be on January 24, 2003.

There being no new business, the meeting was adjourned at 1:37 P.M.